BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

EARL R. DECK)
Claimant VS.))) Docket No. 202,297
AMCON DISTRIBUTING Respondent) Docket No. 202,297
AND	
GENERAL CASUALTY Insurance Carrier	{

ORDER

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge John D. Clark dated April 1, 1996.

ISSUES

Can an administrative law judge award temporary partial benefits at a preliminary hearing?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In Verna K. Brown v. Lawrence-Douglas County Board of Health, Docket No. 205,848 (March 1996), the Appeals Board ruled that an administrative law judge has the authority to enter a preliminary hearing order for the payment of temporary partial disability compensation. In the interest of consistency and for the reasons stated in our prior decision, the Appeals Board so holds here. The decision by the Administrative Law Judge awarding temporary partial disability benefits in this case does not, therefore, exceed his jurisdiction.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order of Administrative Law Judge John D. Clark dated April 1, 1996 should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1996.

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS Gary A. Winfrey, Wichita, KS John D. Clark, Administrative Law Judge Philip S. Harness, Director